

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

IN RE: 2265 Enterprise East LLC,

Debtor.

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Case No. 19-52510

Chapter 11

Judge Koschik

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**MOTION FOR ENTRY OF STIPULATION AND AGREED ORDER FOR  
TURNOVER OF PROPERTY AND ACCOUNTING BY RECEIVER**

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Debtor 2265 Enterprise East LLC respectfully moves for the entry of the Stipulation and Agreed Order for Turnover of Property and Accounting by Receiver attached as Exhibit A (the “Stipulation and Agreed Order”). By separate Motion, the Debtor is requesting that the Court enter an Order shortening and limiting notice to facilitate the immediate effectiveness of the Stipulation and Agreed Order. In support of its Motion, the Debtor respectfully sets forth the following:

1. This case was commenced on October 20, 2019, when the Debtor filed a Voluntary Petition for Relief under Chapter 11 of the U.S. Bankruptcy Code.
2. This Court has jurisdiction over this matter under 28 U.S.C. §§ 157 and 1334. Venue is proper in this Court under 28 U.S.C. §§ 1408 and 1409. This is a core proceeding under 28 U.S.C. § 157(b)(2).
3. Prior to the commencement of this case, the Debtor’s real property in Twinsburg, Ohio, was under the possession and control of a Receiver appointed by the Court of Common Pleas of Summit County, Zachary B. Burkons.
4. Pursuant to the provisions of Bankruptcy Code Section 543(b), the Receiver has

- turned over possession and control of the real property by delivering the keys to counsel for the Debtor, pursuant to the terms of the Stipulation and Agreed Order. In addition, the Receiver turned over a check issued by Allied Insurance Co. of America and made payable to the Debtor in the amount of \$2,621 and has indicated that he will also turn over the funds in a bank account maintained by the Receiver which contains approximately \$1,500.
5. Pursuant to the terms of Bankruptcy Code Section 543(b) and the Stipulation and Agreed Order, the Receiver has also agreed to provide an accounting of all property and funds that came into the possession or control of the Receiver.
  6. Turnover of the property and the submission of an accounting are important components of this Chapter 11 case, and are in the best interests of the Debtor, the Estate, and all creditors and parties in interest. Counsel for the Receiver and Counsel for the Debtor have cooperated to expeditiously draft and agree upon the terms of the Stipulation and Agreed Order, and believe that its entry appropriate under the provisions of Section 543 of the Bankruptcy Code.
  7. Scott Belhorn, Trial Attorney for the Office of the United States Trustee, has reviewed the Stipulation and Agreed Order and has authorized the undersigned Counsel to indicate that the Office of the United States Trustee has no objection.
  8. A separate Motion to Shorten and Limit Notice is being filed concurrently with this motion.

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WHEREFORE, the Debtor respectfully requests that the Court enter the Stipulation and Agreed order.

Respectfully submitted,

/s/Thomas W. Coffey  
Thomas W. Coffey (0046877)  
Coffey Law LLC  
2430 Tremont Avenue  
Cleveland, OH 44113  
(216) 870-8866  
[tcoffey@tcoffeylaw.com](mailto:tcoffey@tcoffeylaw.com)

*Proposed Counsel for the Debtor*

### **CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing Motion for Entry of Stipulation and Agreed Order for Turnover of Property and Accounting by Receiver were served upon the persons set forth below by the Court's electronic filing system:

Scott R. Belhorn, Esq. Trial Attorney for the U.S. Trustee.

Robert D. Barr, Esq. Co-Counsel for the Debtor

Thomas W. Coffey, Esq. Counsel for the Debtor

Gus Kallergis, Esq. Counsel for the Receiver

Benjamin D. Carnahan, Esq. Counsel for Keystone Real Estate Fund, L.P.

Christina Colleen Tizzano, Esq., Counsel for James D. Breen

Robert W. McIntyre, Esq. Counsel for Keystone Real Estate Fund, L.P.

/s/Thomas W. Coffey  
Thomas W. Coffey (0046877)

**IN THE UNITED STATES BANKRUPTCY COURT  
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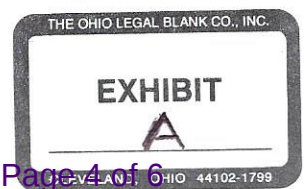
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| IN RE: 2265 Enterprise East LLC, | ) | Case No. 19-52510 |
|                                  | ) |                   |
| Debtor.                          | ) | Chapter 11        |
|                                  | ) |                   |
|                                  | ) | Judge Koschik     |
|                                  | ) |                   |

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**STIPULATION AND AGREED ORDER FOR TURNOVER OF PROPERTY AND  
ACCOUNTING BY RECEIVER**

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The Debtor, by and through its undersigned counsel, and the Receiver appointed by the Court of Common Pleas of Summit County, Ohio, by and through his undersigned counsel, hereby stipulate and agree, pursuant to the provisions of 11 U.S.C. § 543(b)(1), that the Receiver hereby turns over all property of the Debtor in his actual or constructive possession, including, without limitation, all keys and alarm codes associated with the Debtor's real estate commonly





known as 2265 East Enterprise Parkway, Twinsburg Ohio, and, pursuant to 11 U.S.C.

§ 543(b)(2), shall file, within 45 days of the entry of this Stipulation and Agreed Order on the docket, an accounting of any property of the Debtor, or proceeds, product, rents or profits of such property that, at any time, came into the possession, custody or control of the Receiver. Nothing in this Stipulation and Agreed Order shall be deemed a waiver or limit of any of the protections and rights under 11 U.S.C. § 543(c)(1) or (2).

###

The terms of this Order have been Stipulated and Agreed Upon by the Debtor and the Receiver, as evidenced by the signatures of their respective Counsel hereon:

/s/Thomas W. Coffey  
Thomas W. Coffey (0046877)  
Coffey Law LLC  
2430 Tremont Avenue  
Cleveland, OH 44113  
(216) 870-8866  
[tcoffey@tcoffeylaw.com](mailto:tcoffey@tcoffeylaw.com)

*Proposed Counsel for the Debtor*

/s/Gus Kallergis  
Gus Kallergis (0071557)  
Calfee, Halter & Griswold LLP  
The Calfee Building  
1405 East Sixth Street  
Cleveland, OH 44114-1607  
(216) 622-8610  
[gkallergis@calfee.com](mailto:gkallergis@calfee.com)

*Counsel for the Receiver*

This Order Prepared By:

/s/Thomas W. Coffey (0046877)  
Thomas W. Coffey (0046877)  
Coffey Law LLC  
2430 Tremont Avenue  
Cleveland, OH 44113  
(216) 870-8866  
[tcoffey@tcoffeylaw.com](mailto:tcoffey@tcoffeylaw.com)

*Counsel for the Debtor*

### **CERTIFICATE OF SERVICE**

Copies of the foregoing Stipulation and Agreed Order for Turnover of Property and Accounting by Receiver were served upon the persons set forth below by the Court's electronic filing system:

Scott R. Belhorn, Esq. Trial Attorney for the U.S. Trustee.

Robert D. Barr, Esq. Co-Counsel for the Debtor

Thomas W. Coffey, Esq. Counsel for the Debtor

Gus Kallergis, Esq. Counsel for the Receiver

Benjamin D. Carnahan, Esq. Counsel for Keystone Real Estate Fund, L.P.

Christina Colleen Tizzano, Esq., Counsel for James D. Breen

Robert W. McIntyre, Esq. Counsel for Keystone Real Estate Fund, L.P.

And that copies were also served by First Class U.S. Mail, Postage Prepaid, upon the following, at the addresses set forth below:

Attorney General of the U.S. Tax Div. Civil Trial, Northern, P.O. Box 55, Ben Franklin Station, Washington, D.C. 20044—0055

Always Green Landscaping, P.O. Box 758, Twinsburg, OH 44087-0758

Caito & Associates, 2744 Mayfield Road, Cleveland Heights, OH 44106-6401

Collins & Scanlon, LLP 3300 Terminal Tower, 50 Public Square Cleveland, OH 44113-2289

James Breen Real Estate, 1360 East Ninth Street, Cleveland, OH 44114-1737

Kristen M. Scalise, Summit County Fiscal Officer, 175 South Main Street, Akron, OH 44308-1306

Office of the U.S. Attorney, Carl B. Stokes U.S. Courthouse, 901 Superior Avenue #400, Cleveland, OH 44114

The Hartford, P.O. Box 660916, Dallas, TX 75266-0916

The Schadick Law Firm, LLC 2000 Auburn Drive, Suite 200, Beechwood, OH 44122-4328

Ohio Department of Taxation, P.O. Box 182401, Columbus, OH 43218-2401